

**REMARKS**

Claims 1-8, 11-20, 25-27 and 31-33 are pending in the present application.

Claims 1, 20 and 25 were amended herein solely to correct the errors and ambiguities identified in the Office Action.

Reconsideration of the claims is respectfully requested.

**35 U.S.C. § 103 (Obviousness)**

Claims 1-3, 4-8, 11-17, 19-20, 25-27 and 31-32 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,963,704 to *Mimura et al* in view of U.S. Patent No. 5,262,875 to *Mincer* and European Patent Application Publication No. 0 847 191 A2 (“EP ‘191”). Claims 18 and 33 were rejected under 35 U.S.C. § 103(a) as being obvious over *Mimura et al* in view of *Mincer* and EP ‘191 and further in view of U.S. Patent No. 5,642,171 to *Baumgartner et al*. These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-127 (8th ed. rev. 6 September 2007). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some reason – such as a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art – to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation

of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *Id.*

Independent claim 1 recites a file reader capable of obtaining any of one or more files containing encoded audio/video data streams from a data source and a file navigator enabling selection of a particular file on the data source and instructing the file reader to obtain a selected encoded audio/video data stream from a corresponding file on the data source. Similarly independent claim 20 recites a file reader capable of obtaining any of one or more files containing encoded audio/video data streams from a data source and a navigator enabling selection of a particular file on the data source and instructing the file reader to obtain a selected encoded audio/video data stream from a corresponding file on the data source. Independent claim 25 recites a file reader communicably coupled to the DVD drive to obtain any of one or more files containing encoded audio/video data streams from the DVD drive utilizing a file system and a navigator communicably coupled to the file reader enabling selection of a particular file on the data source and selectively instructing the file reader to obtain a particular encoded audio/video data stream corresponding to a selected file from the DVD drive. Such a combination of features is not found in the cited references.

The Office Action states:

Mimura discloses a digital audio/video decoder (Fig. 1) comprising a file reader capable of obtaining any of one or more encoded audio/video data streams from a data source utilizing a file system (Fig. 6, column 11, line 55 to column 12, lines 12) and a file navigator (video manager) enabling selection of a particular file on the data source and instructing a file reader to obtain a selected encoded audio/video data stream from the data source (column 7, line 50 to column 8, line 17, column 37, lines 65 to column 38, line 20) . . .

Paper No. 20080412, page 3. However, the Office Action notably fails to identify any particular structure within *Mimura et al* as constituting the recited “file reader.” Nothing in the cited Figures 1 and 6 of *Mimura et al* is labeled a “file reader,” and the term “file reader” does not appear anywhere in the cited portion of the description of *Mimura et al* (column 11, line 55 to column 12, lines 12). (Note that the “video manager” is cited in the Office Action as satisfying the “file navigator” limitation). To the extent that the recited “file reader” is asserted to be inherent in some other structure within *Mimura et al*, no identification of that structure is made. A proper rejection must be stated clearly and specifically. MPEP § 707.07(d), page 700-125 (8th ed. rev. 6, September 2007) (“Where a claim is refused for any reason relating to the merits thereof it should be ‘rejected’ *and the ground of rejection fully and clearly stated . . .*”) (emphasis added); see also *In re Oetiker*, 977 F.2d 1443, 1449 (Fed. Cir. 1992) (Plager, J., concurring) (“The process of patent examination is an interactive one. The examiner cannot sit mum, leaving the applicant to shoot arrows into the dark hoping to somehow hit a secret objection harbored by the examiner. . . . [E]xaminers . . . must state clearly and specifically any objections . . . to patentability, and give the applicant fair opportunity to meet those objections with evidence and argument.”) (emphasis added, citations omitted). Accordingly, Applicants respectfully submit that a proper rejection has not been made.

Moreover, the cited portions of *Mimura et al* do not teach the features that they are asserted in the Office Action to disclose. In particular, the “Video Manager” depicted in Figure 6 does not “enabl[e] selection of a particular file on the data source and instruct[] the file reader to obtain a selected encoded audio/video data stream from a corresponding file on the data

source,” as asserted in the Office Action. Rather, the Video Manager in *Mimura et al* enables selection of a video title. See *Mimura et al*, column 15, lines 58-60 (video manager uses video titles). As taught by the portion of *Mimura et al* cited in the Office Action as described a “file reader,” each video title comprises a plurality of files:

As shown in FIG. 6, the volume and file structure is a hierarchic structure and contains a volume and file structure area 70, a video manager (VMA) 71, at least one video title set (VTS) #i 72, and another recorded area 73. These areas 70, 71, 72, 73 are aligned with the boundaries between logical sectors. As with a conventional CD, a logical sector is defined as a set of 2048 bytes. Accordingly, one logical sector corresponds to one logical block.

The volume and file structure area 70 corresponds to a management area determined in Micro UDF or ISO 9660. According to the description in the management area, the video manager 71 is stored in the system ROM/RAM section 52. With reference to FIG. 7, the information used to manage video title sets 72 is written in the video manager 71, which is composed of a plurality of files, starting with file #0. In each video title set 72, compressed video data, compressed audio data, compressed sub-picture data, and the reproducing information about these data items are as explained later. Each video title set is composed of a plurality of files 74. The number of video title sets 72 is limited to a maximum of 99. Furthermore, the number of files 74 (from file #j to file #j+9) constituting each video title set 72 is determined to be a maximum of 10. These files 72 are also aligned with the boundaries between logical sectors.

*Mimura et al*, column 11, lines 55 to column 12, line 12. Accordingly, the Video Manager in *Mimura et al* does not enable selection of a particular file, but instead only selection of files that correspond to the first file of a video title.

Independent claims 1, 20 and 25 each recite a reprogrammable proxy filter that is reprogrammable to accommodate any combination of any one of MPEG-1, MPEG-2 and MPEG-3 video data with any one of AC-3, MPEG or PCM audio data. The Office Action concedes that “*Mimura et al* as modified with *Mincer* fails to specifically teach the decoder capable of decoding audio data having a standard that is different from a video standard such as MPEG

audio, AC3, PCM being different from video standard.” Paper No. 20080412, page 4. The

Office Action asserts that EP ‘191 discloses such features, based on the following statements:

Digital video disk (DVD) devices store audio-visual data in a highly compressed form and play the audio-visual data to a user. . . . DVD CD-ROM players retrieve and display video images that have been compressed using known video compression techniques, such as the International Standard Organization’s (ISO) Motion Picture Expert Group (MPEG) techniques MPEG 1 and MPEG 2. . . . In addition to playing video images, DVD devices can also read and play compressed audio sequences using known audio decompression techniques (*e.g.*, Dolby AC3, Linear PCM, MPEG 1 or MPEG 2).

EP ‘191, column 1, lines 8-10, 17-22 and 41-44. However, the cited portion of EP ‘191 does not suggest a filter accommodating a combination of one of MPEG-1, MPEG-2 and MPEG-3 video data with one of AC-3, MPEG or PCM audio data. At most, the cited portion of EP ‘191 describes separately playing audio and video, as by playing video according to MPEG 1 at a first time and MPEG 2 and at a later time playing Dolby AC3, Linear PCM, MPEG 1 or MPEG 2.

Moreover, EP ‘191 does not suggest accommodating accommodate any combination of any one of MPEG-1, MPEG-2 and MPEG-3 video data with any one of AC-3, MPEG or PCM audio data, as recited in the claims. EP ‘191 does not suggest filtering MPEG 1 video data and Dolby AC3 audio data together, or MPEG 1 video data and Linear PCM audio data, or MPEG 2 video data and Dolby AC3 audio data together, or MPEG 2 video data and Linear PCM audio data.

Claim 12 recites that the one or more decoding standards according to which the reprogrammable proxy filter can decode and convert component data streams can be updated via software – that is, changes to existing standards may be added by software for use by the reprogrammable proxy filter. Such a feature is not found in the cited references. The cited

portions of *Mincer et al* merely suggest that playback units 41, 42 . . . 4n may each decompress audio/video data according to any of a plurality of compression standards, without making any mention of updating those standards by software or otherwise accommodating changes to the standards.

Claim 13 recites that a new decoding standard according to which the reprogrammable proxy filter can decode and convert component data streams can be added to the one or more decoding standards via software. Such a feature is not found in the cited references. The cited portions of *Mincer et al* make no mention of adding support for additional standards.

Therefore, the rejection of claims 1-3, 4-8, 11-20, 25-27 and 31-33 under 35 U.S.C. § 103 has been overcome.

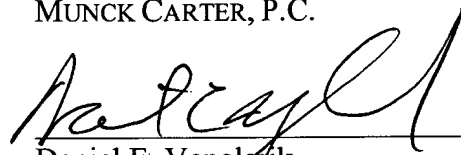
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK CARTER, P.C.

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